



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia)

Serial No.: 09/836,750)

Filed: April 17, 2001)

For: METHOD FOR GROWING)
MUSCLE IN A HUMAN HEART)

Group Art Unit: 1646

Examiner: Elizabeth C. Kemmerer, Ph.D.

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment responds to the outstanding Office Action of November 28, 2003. Applicant notes that the Examiner rejected claims 204, 205, 236-239, and 243-253 on several grounds and withdrew claims 6-203, 206-235, and 240-242 from consideration as being drawn to a non-elected invention. The Examiner is respectfully requested to reconsider the rejection of claims 204, 205, 236-239, and 243-253 and to favorably reconsider the amended claims in view of the evidence and remarks contained in this Amendment.

Please amend the instant application as follows:

CLAIM AMENDMENTS:

Please cancel claims 204 and 205, without prejudice to presenting such claims, or an amended version thereof, in a continuing application.

Please amend claim 236 as follows:

236. (once amended) A method of growing a new portion of a pre-existing heart comprising the steps of placing a growth factor in a body of a human patient and growing new muscle and growing a new artery in said heart.

Please cancel claim 237.